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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER <b>EISN-001CPUS</b>
INTERNATIONAL APPLICATION NO. <b>PCT/US04/30921</b>	INTERNATIONAL FILING DATE <b>22 September 2004</b>	U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/572,871</b>
TITLE OF INVENTION <b>HEMIASTERLIN DERIVATIVES AND USES THEREOF</b>		PRIORITY DATE CLAIMED <b>22 March 2002</b>
APPLICANT(S) FOR DO/EO/US <b>Silvio A. CAMPAGNA et al.</b>		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/572871</b>	INTERNATIONAL APPLICATION NO. <b>PCT/US04/30921</b>	ATTORNEY'S DOCKET NUMBER <b>EISN-001CPUS</b>	
20. <input checked="" type="checkbox"/> Other items or information: <b>Response to Notification of Defective Response</b> <b>Copy of Notification of Defective Response</b> <b>Copy of Form PCT/IB/306</b> <b>Certificate of Express Mailing</b> <b>Return Receipt Postcard</b>			
The following fees have been submitted		<b>CALCULATIONS</b>	<b>PTO USE ONLY</b>
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a)) ..... <b>\$300</b>		\$	
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$0</b> All other situations ..... <b>\$200</b>		\$	
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$0</b> Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority ..... <b>\$100</b> International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB ..... <b>\$400</b> All other situations ..... <b>\$500</b>		\$	
<b>TOTAL OF 21, 22 and 23 =</b>		<b>\$ 0.00</b>	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is <b>\$250</b> for each additional 50 sheets of paper or fraction thereof.			
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE
- 100 =	/50 =		<b>x \$250.00</b>
		\$	
Surcharge of <b>\$130</b> for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	- 20 =	x	
Independent claims	- 3 =	x	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+	
<b>TOTAL OF ABOVE CALCULATIONS =</b>		<b>\$ 0.00</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.			
<b>SUBTOTAL =</b>		<b>\$ 0.00</b>	
Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$	
<b>TOTAL NATIONAL FEE =</b>		<b>\$ 0.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property +		\$	
		\$	
<b>TOTAL FEES ENCLOSED =</b>		<b>\$ 0.00</b>	
		Amount to be refunded:	\$
		Amount to be charged	\$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ 0.00 to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Elizabeth A. Hanley, Esq.  
LAHIVE & COCKFIELD, LLP  
One Post Office Square  
Boston, Massachusetts 02109-2127  
(617) 994-0791

CUSTOMER NUMBER: 00959



SIGNATURE

Brian C. Trinque, Ph.D.

NAME

56,593

REGISTRATION NUMBER

Date: September 17, 2007

Express Mail Label No. EV 957671127 US

Dated: September 17, 2007

Docket No. EISN-001CPUS  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Silvio A. Campagna *et al.*

Application No. 10/572,871

Confirmation No. 3734

Filing Date of  
International Application: September 22, 2004

Art Unit: Not Yet Assigned

For: HEMIASTERLIN DERIVATIVES AND USES  
THEREOF

Examiner: Not Yet Assigned

**RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE  
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification Defective Response, mailed August 17, 2007, Applicants respectfully submit a copy of a "Notification of the Recording of a Change" (Form PCT/IB/306) received from the International Bureau during prosecution of International Application No. PCT/US2004/030921, to which the instant application claims priority. As indicated in this Notification, inventor Galina KUZNETSOV has been properly removed as an inventor of this application. Applicants therefore submit that the executed Declaration filed with the USPTO on May 22, 2007 lists all of the inventors of record and therefore is not defective.


Applicants have also included herewith a copy of the Notification of Defective Response.

Applicants believe no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. EISN-001CPUS from which the undersigned is authorized to draw.

Dated: September 17, 2007

Respectfully submitted,

LAHIVE & COCKFIELD, LLP  
One Post Office Square  
Boston, Massachusetts 02109-2127  
(617) 227-7400  
(617) 742-4214 (Fax)

By   
Brian C. Tynque, Ph.D.  
Registration No.: 56,593  
Agent for Applicants

COPY



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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10/572,871

James J Kowalczyk

-2003946-0221 (HEAT-

-CIPUS EISN-001CPUS

INTERNATIONAL APPLICATION NO.

PCT/US04/30921

I.A. FILING DATE

PRIORITY DATE

09/22/2004

03/22/2002

24280

CHOATE, HALL & STEWART LLP  
 TWO INTERNATIONAL PLACE  
 BOSTON, MA 02110

**DOCKETED**

*Sept. 17, 2007 Resp. to Notification*  
*of Defective Response*

CONFIRMATION NO. 3734  
 371 FORMALITIES LETTER



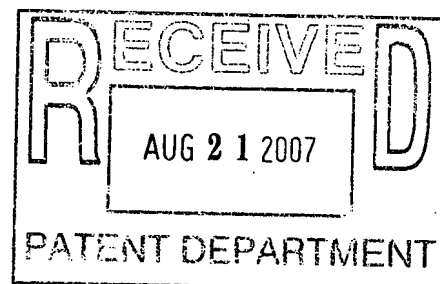
\*OC000000025423662\*

Date Mailed: 08/17/2007

**NOTIFICATION OF DEFECTIVE RESPONSE**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 03/21/2006
- Copy of the International Search Report filed on 03/21/2006
- Copy of Article 19 Amendments filed on 03/21/2006
- Preliminary Amendments filed on 03/21/2006
- Oath or Declaration filed on 05/22/2007
- U.S. Basic National Fees filed on 03/21/2006
- Priority Documents filed on 03/21/2006
- Specification filed on 03/21/2006
- Claims filed on 03/21/2006
- Abstracts filed on 03/21/2006

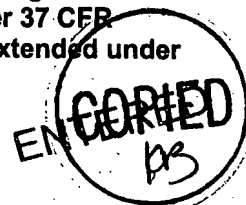


Applicant's response filed 05/22/2007 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 01/22/2007 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - Inventor Galina KUZNETSOV not listed on declaration

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).



Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebsc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

TAMALA D HOLLAND

Telephone: (703) 308-9140 EXT 209

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/572,871	PCT/US04/30921	2003946-0221 (HEAT-CIP/US

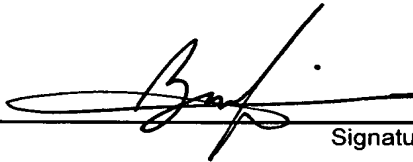
FORM PCT/DO/EO/916 (371 Formalities Notice)

## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV 957671127 US in an envelope addressed to:

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on September 17, 2007  
Date



Signature

Brian C. Trinqué, Ph.D.

Typed or printed name of person signing Certificate

56,593

Registration Number, if applicable

(617) 994-0793

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal Letter to the US Designated-Elected Office (3 pages)  
Response to Notification of Defective Response (1 page)  
Copy of Notification of Defective Response (2 pages)  
Copy of Form PCT/IB/306 (1 page)  
Return Receipt Postcard  
This Certificate of Express Mailing (1 page)